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BY ECF

Honorable Vera M. Scanlon
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Rayne Valentine v. City of New York, et al.* - 21-CV-4867 (EK) (VMS)

Your Honor:

I am counsel for Plaintiff Rayne Valentine in this matter. I write jointly with opposing counsel in compliance with the Court's October 21, 2021 and May 4, 2022 orders to provide the Court with this joint status update in advance of the parties' June 2, 2022 telephonic conference with Your Honor.

After receiving documents and information identifying many potential defendants in late January, Mr. Valentine named them in the First Amended Complaint. Mr. Valentine has now served on all but three of the Defendants. Defense counsel provided good service addresses for two of them, late last week and earlier this week. We are awaiting good service information, which defense counsel has requested, for the third. Based on the information provided to date, Plaintiff's counsel recently asked the Court to issue an additional summons running to all three Defendants, and Plaintiff will serve all three once we have good service information for, and a summons covering, them all. Service might be completed as early as next week.

By way of background, on August 29, 2021, plaintiff filed the original complaint naming the City, Mayor DeBlasio, Commissioner Shea, and PO Kasaji as defendants. (Docket Entry No.1). An answer was filed on behalf of the City, former Mayor DeBlasio and former Commissioner Shea on January 28, 2022. (Docket Entry No. 29). On February 1, 2022, plaintiff filed the First Amended Complaint ("FAC") naming 17 additional police officers as defendants. (Docket Entry No. 30). In a letter dated May 23, 2022, defendants respectfully requested that this Court, *sua sponte*, extend the time – until June 23, 2022 – for PO Kasaji and the additional 17 individuals named in FAC to respond to the FAC. (Docket Entry No. 38).

The parties have exchanged a significant amount of discovery as part of their initial disclosures, and are engaging in other targeted discovery. The parties have not exchanged formal discovery demands and responses. Nor have the parties taken depositions. Plaintiff has disclosed all relevant video evidence, medical records, and photographs. Counsel for Defendant City and the other Represented Defendants has disclosed over 1,000 pages of documents, as well as dozens of video and audio files, including, critically, what appears to be the entire, or almost the entire, NYPD Internal Affairs Bureau (“IAB”) file, which defense counsel produced earlier this month.

Earlier this week, Plaintiff’s counsel provided the Office of the Kings County District Attorney (“KCDA”) with a copy of a subpoena seeking KCDA’s records relating to the investigations into Mr. Valentine’s beating. KCDA has estimated that it could take as many as 60 days to respond to the subpoena.

From Plaintiff’s perspective, given the large number of named Defendants, at least the third-party discovery from the KCDA’s Office, and perhaps some follow-up discovery from Defendant City and/or the individual Defendants, will be critical in deciding which Defendants’ and NYPD third-party depositions to conduct, in which order, and when.

Additionally, defense counsel will be leaving the Law Department in the next few weeks. The case will be transferred to new counsel, who will require time to familiarize themselves with the matter.

In light of the foregoing, the parties intend to ask the Court to adjust the case management plan to extend discovery deadlines in the case before or during next week’s June 2, 2022 telephonic conference in this matter.

The parties thank Your Honor for the Court’s attention to this matter.

Respectfully submitted,

/S/

Gideon Orion Oliver